

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2003 DEC 12 P 3:08

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

U.S. DISTRICT COURT
DISTRICT OF MASS.

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ALL ACTIONS

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

In connection with this Court's deliberation concerning the Motions to Dismiss the Amended Master Consolidated Complaint ("AMCC"), particularly as those motions concern Plaintiffs' allegations under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), Plaintiffs submit for the Court's consideration a copy a very recent decision by Judge Federico A. Morino in *In Re: Managed Care Litigation*, 2003 U.S. Dist. Lexis 22066 (S.D. Fla., December 8, 2003). A complete and accurate copy of the *Managed Care* decision is attached hereto as Exhibit A.

The issues decided by Judge Morino in the *Managed Care* litigation include: RICO enterprise issues (pp. 9-15); operation and management of the enterprise (pp. 18-19); specificity required under Fed. R. Civ. P. 9(b) (pp. 24-26); issues relating to RICO causation (pp.28-30); and issues related to RICO conspiracy (pp. 30-34).

Dated: December 12, 2003

Respectfully submitted,

By 

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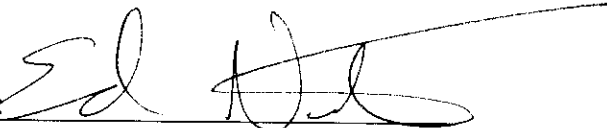
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CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused true and correct copies of the foregoing Plaintiffs' Notice of Supplemental Authority to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2 on December 12, 2003.

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